IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4731 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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NAVINCHANDRA KESHAVLAL SHAH

Versus

STATE OF GUJARAT

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Appearance:
MR KG SUKHWANI for Petitioners
MS HANSA PUNANI, ld.AGP for Respondents

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 17/10/2001

ORAL JUDGEMENT

The petitioner in this petition has challenged the notice dated 11.4.2000 at Annexure.E issued by the Mamlatdar, Alien Recovery Officer, Ahmedabad City, Ahmedabad demanding that the amount of damages to the

tune of Rs.42,45,526/- and Rs.2,12,277/- being the amount of surcharge from the petitioner.

2. This Court on 10.5.2000 issued Rule in the matter and by way of interim order granted stay against the recovery and proceedings with regard to the attachment under the impugned notice. Because of the order of the interim relief, the impugned notice is not implemented against the petitioner.

3. There is no dispute to the fact that in respect of the subject matter of recovery, the respondents have filed a Reference being Arbitration Reference No.214 of 1996 before the Gujarat Public Works Contracts Disputes Arbitration Tribunal, at Ahmedabad and the same is pending. It is also not in dispute that the respondents have challenged the award passed by the sole Arbitrator Shri A.T.Doshi in Arbitration Proceedings No.226 of 1996 before the aforesaid Tribunal. Since the Tribunal is seized of the case, it is neither desirable nor proper for this Court to consider the legality and validity of the impugned notice. In this view of the matter, the petition is disposed of. However, the interim relief granted earlier shall continue till the Tribunal decides the liability of the petitioners. Rule is accordingly made absolute with no order as to costs.

(K.R. Vyas, J.)

Sreeram.